IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 11030 of 2003

Between:

M/s.Sri Raja Rajeshwari Ice Plant, Madepalli,
Eluru Mandal, Eluru, W.G.Dist,
Rep.by its Proprietor Smt.G.Suneetha.

..... PETITIONER

AND

1. A.P.E.P. Discom rep.by its Chairman and Managing Director, Visakhapatnam.
2. The Superintending Engineer, Electrical (Opn.), A.P.E.P. Discom Ltd., Eluru, W.G.Dist.
3. Addl.Asst.Engineer, D.IV A.P.E.P. Discom Ltd., Ramakrishnapuram, Eluru, W.G.Dist.
4. The Asst.Accts.Officer, ERO, Town Eluru, W.G.Dist.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus or any other appropriate writ or writs, order or direction, declaring the action of the respondents in disconnecting the power supply to the petitioner firm bearing Service Connection No.630, D.IV Section, Eluru Division, Eluru, W.G. Dist. without following the due procedure prescribed under the revised terms and conditions of supply of Electricity, as illegal, arbitrary and without jurisdiction and to consequently direct the respondents to restore the supply of power to the petitioner firm, award costs and pass such other and further orders.

Counsel for the Petitioner: MR.K.RAGHUVEER REDDY

Counsel for the Respondents: None appeared

The Court made the following ORDER:

Heard the learned counsel for the petitioner. None appears for the respondents.

The petitioner, who is consumer of electricity under L.T Industrial category with Service Connection No.630, states that he deposited a sum of Rs.25,000/- (Rupees Twenty Five thousand only) towards consumption deposit at the time of obtaining the service connection in August 1999. Then he obtained the service connection and started production in February 2000. In view of the review of additional consumption deposit for the year 2001-2002 fixing the additional consumption deposit at Rs.1,69,540/- (Rupees One Lakh Sixty Nine thousand five hundred and forty only) on the monthly average amount arrived at by taking into consideration of three months average consumption, the petitioner was served with a notice to deposit the balance of Rs.1,43,640/- (Rupees One Lakh forty three thousand six hundred and forty only) towards additional consumption deposit.

Petitioner claims that on his failure to pay the balance of additional consumption deposit, his service connection was disconnected without serving any notice and this Court through its order dated 16-6-2003 directed the respondents to restore the power supply, on petitioner depositing Rs.35,000/- (Rupees Thirty five thousand) towards additional consumption deposit.

In the counter affidavit filed by the respondents, it is stated that the notice, calling upon the petitioner to deposit the additional consumption deposit amount, was served, which was acknowledged by the petitioner on 05-03-2003. Thereafter, the petitioner requested thirty

days time to pay the said amount, which was also allowed.

The petitioner has not disputed the fact of receipt of notice on 05-03-2003. Though he was granted thirty days time for payment, he failed to pay the said amount, but addressed a letter to the Chairman and Managing Director for granting ten equal instalments for payment of additional consumption deposit, which was rejected. Even the amount, directed to deposit for restoration of power supply was not paid.

In view of the same, the writ petition is disposed of, permitting the petitioner to deposit the said amount and make an application for restoration of power supply. On such payment and an application being made by the petitioner, the respondents are directed to consider the application of the petitioner for restoration of power supply. No costs.

Sd/- P.KRISHNAMURTHY
ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Chairman and Managing Director, A.P.E.P.Discom, Visakhapatnam.
2. The Superintending Engineer, Electrical (Operation), A.P.E.P.Discom Ltd., Eluru, West Godavari District.
3. The Addl.Asst.Engineer, D.IV A.P.E.P.Discom Ltd., Ramakrishnapuram, Eluru, West Godavari District.
4. The Asst. Accounts Officer, ERO, Town Eluru, West Godavari District.
5. Two CD copies.

HIGH COURT
DT.22/06/2004

ORDER
WP.NO.11030 OF 2003

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

S.SL.